DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

December 22, 2003

Notice of Public Scoping Meeting
Wharton Interim Feasibility Study

The U.S. Army Corps of Engineers encourages you to attend a public meeting on the Wharton Interim Feasibility Study. The Corps of Engineers will provide information about proposed projects in the Wharton area and ask for public comments on project planning and impacts.

Location: Wharton City Hall
120 E. Caney Street
Wharton, TX 77488

Date: January 22, 2004
Time: 6:30 p.m. to 8:30 p.m.

Purpose of the Public Meeting. Part of the federal process for determining the feasibility of a flood damage reduction project is to consider the public's views about the scope of the project and the potential issues and alternatives. This public scoping meeting for the Wharton Interim Feasibility Study will comply with the National Environmental Policy Act of 1969, Public Law 91-190, as amended.

Your participation is important. Specifically, we would like to hear your comments on:

- Alternatives available for reducing flood damages.
- Issues associated with structural modifications.
- Opportunities for habitat restoration, enhancement or protection.
- Effects of project alternatives on the environment.

Study Area. The study area is defined as the area within the floodplain of the Colorado River between the community of Glen Flora and a point sufficiently downstream of the city of Wharton to address any backwater concerns. This includes the entire city of Wharton and the areas subject to overflow from the Colorado River into Caney Creek, Baughman Slough and Peach Creek.

Purpose of the Wharton Interim Feasibility Study. The Corps of Engineers is studying alternatives for lessening the risk of flood damages in Wharton. The City of Wharton, Lower Colorado River Authority and Texas Water Development Board are non-Federal sponsors of the Wharton study. The Wharton study is one of several interim studies from the larger Lower Colorado River Basin Feasibility Study, which is looking at flood protection, ecosystem restoration and recreation throughout the lower Colorado River basin. The other interim studies focus on the areas of Onion Creek, the Highland Lakes, Shoal Creek and Walnut Creek.

The Wharton Interim Feasibility Study will evaluate and compare flood damage reduction alternatives, potentially combining them with ecosystem restoration and recreation alternatives.

Flood damage reduction alternatives may include structural and non-structural measures such as channel diversions, levees, floodplain buyouts and ecosystem restoration.

Study Process. In general, the study process has two phases. The Corps of Engineers determined in the reconnaissance phase, completed in 1999, that there was Federal interest in pursuing further studies in Wharton. In the current feasibility phase, the Corps of Engineers performs detailed engineering, economic and environmental studies with the goal of finding the most cost-effective solution that responds to the problem while protecting the nation's environment. The product will be a report and recommendation to Congress on the possibility of a cost-effective solution.

Statutory Authority. The Corps of Engineers is pursuing the Lower Colorado River Basin Feasibility Study under the authority of the Flood Control Act of 1936; the Resolution by the Committee on Commerce, United States Senate, adopted in 1936; the River and Harbor Act of 1937; the River and Harbor Act of 1945; and the Resolution by the Committee on Transportation and Infrastructure, United States House of Representatives, adopted in 1998.

Comments and Suggestions. In addition to providing input at the meeting, you may also send comments and suggestions directly to Mr. Shane Hunt, CESWG-PE-PR, U.S. Army Corps of Engineers, Galveston District, P.O. Box 1229, Galveston, TX 77553. You also may contact him at (409) 766-6390 or by e-mail at shane.d.hunt@swg02.usace.army.mil.

Leonard D. Waterworth
Colonel, Corps of Engineers
District Engineer

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602

January 25, 2006

Department of The Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Attention: Carolyn Murphy, Chief, Environmental Section

Subject: LNU-Farmland Protection-
City of Wharton, Proposed Flood Control Levee
Wharton County, Texas

We have reviewed the information provided concerning the proposed City of Wharton, Flood Control Levee in Wharton County, Texas as outlined in your letter of January 9, 2006. This is part of NEPA evaluation for the U.S. Army Corps of Engineers We have evaluated the proposed area as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland and is subject to the FPPA. We have developed a composite rating for the soils of the project area outlined on the maps you sent. We recognize that much of this area is already converted to urban land. The total points in Part VII of the AD-1006 is 119. The FPPA law states that sites with a score less than 160 will need no further consideration. We have completed the AD-1006 you sent. We urge you to use accepted erosion control methods during construction.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project indicating the approval status. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M Greenwade

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*		Date Of Land Evaluation Request 1-9-2006	
Name of Project Wharton Levee		Federal Agency Involved U. S. Army, COE	
Proposed Land Use Flood Control		County and State Wharton County, Texas	
PART II *(To be completed by NRCS)*		Date Request Received By NRCS 1-11-2006	Person Completing Form: James Greenwade
Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES x ☐ NO ☐	Acres Irrigated 91,209	Average Farm Size 504
Major Crop(s) Grain Sorghum	Farmable Land In Govt. Jurisdiction Acres: 676,422 % 99	Amount of Farmland As Defined in FPPA Acres: 654,321 % 90	
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System NONE	Date Land Evaluation Returned by NRCS 1-25-2006	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	7			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	7			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	6.0			
B. Total Acres Statewide Important or Local Important Farmland	0.5			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	0.0001			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	10			
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)	84			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)	5			
2. Perimeter In Non-urban Use	(10)	5			
3. Percent Of Site Being Farmed	(20)	5			
4. Protection Provided By State and Local Government	(20)	0			
5. Distance From Urban Built-up Area	(15)	5			
6. Distance To Urban Support Services	(15)	5			
7. Size Of Present Farm Unit Compared To Average	(10)	0			
8. Creation Of Non-farmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	5			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	35			
PART VII ***(To be completed by Federal Agency)***					
Relative Value Of Farmland *(From Part V)*	100	84			
Total Site Assessment *(From Part VI above or local site assessment)*	160	35			
TOTAL POINTS ***(Total of above 2 lines)***	260	119			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form:	Date:

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

JAN 25 2006

MEMORANDUM FOR Director of Civil Works

SUBJECT: Lower Colorado River Basin, Wharton, Texas -- Section 104 Credit Eligibility Request

This is in response to a December 22, 2005, Southwestern Division Regional Integration Team's request to approve an application from Wharton, Texas, for credit eligibility associated with the City's intent to implement flood control measures pursuant to Section 104 of the Water Resources Development Act (WRDA) of 1986.

The Wharton, Texas' application is dated January 25, 2005. The Southwestern Division and Fort Worth District have reviewed the application and certify that the proposed work meets the requirements for credit eligibility under Section 104 of the WRDA of 1986. The application is to establish credit eligibility for the construction of improvements to Santa Fe Ditch to alleviate significant flood damages to the City. The estimated cost of this effort is $2,900,000. We understand that construction has not yet begun and that the work is separately useful. The District advises that this proposed effort is being evaluated as part of the Lower Colorado River Basin Feasibility Study, and that the work is likely to be separately useful for flood damage reduction, integral to the Federal project, environmentally acceptable, economically justified, and urgently needed to mitigate flood damages. We understand that the feasibility report is scheduled to be complete by May 2007, and that Congressional authorization is needed.

The City of Wharton's request for credit eligibility is approved. The Fort Worth District Engineer should notify the sponsor of the conditions upon which this approval is being made. The sponsor should be informed that approval should not be interpreted as a commitment to recommend the project for authorization, approve a specific credit against the non-Federal share of project costs, request construction funding, or approve reimbursement if a Federal project is not undertaken. Final approval of the credit will be subject to the results of the final feasibility report, Administration review and approval, Congressional authorization, and the other requirements of Section 104 of the WRDA of 1986.

John Paul Woodley, Jr.

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

Printed on Recycled Paper

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Ms. Donna Stern-McFadden
Tribal Historic Preservation Officer
Mescalero Apache Tribe
101 Central Avenue
Mescalero, NM 88340

Dear Ms. McFadden:

On behalf of the Lower Colorado River Authority and the City of Wharton, The U.S. Army Corps of Engineers, Galveston District, is preparing an environmental assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with flood damage reduction, ecosystem restoration, and recreation on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas. A map of the study area is enclosed. In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, the Galveston District is initiating consultation with Federally-recognized tribes who have historical or cultural ties to this region or have expressed an interest in being included in project correspondence.

At this time, we are asking that you provide preliminary comments or concerns regarding known sacred sites, other traditional cultural properties, or archeological sites or historic properties within the study area so that we may consider this information while preparing the draft Environmental Assessment. The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy. More specific information regarding potential impacts to historic properties will be provided in that report.

Please provide comments or concerns by July 7, 2006 so that impacts can be adequately addressed by the study. Thank you for your consideration in this matter. If you have any questions or comments, please contact Ms. Janelle Stokes, tribal liaison, at 409/766-3039 or by e-mail at janelle.s.stokes @swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

Copy of Letter with Enclosure Sent to:

Mr. Anthony Street
Tonkawa Tribe of Indians of Okalahoma
P.O. Box 70
Tonkawa, OK 74653

Ms. Debbie Thomas
Historic Preservation Officer
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

The City of Wharton, TX lies southwest of Houston in the region referred to as the Gulf Prairie. (*Figure 1.1*)

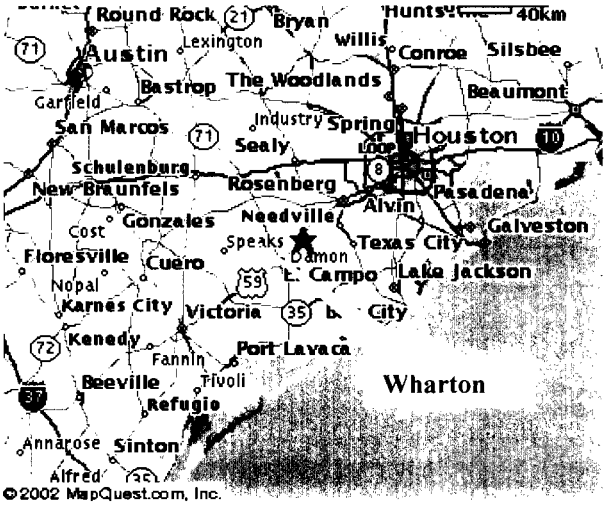

Figure 1.1 Location of Wharton, Texas

The entire city (*Figure 1.2*) is sited within the 500-year floodplain and surrounded by farmlands, predominantly under rice production.

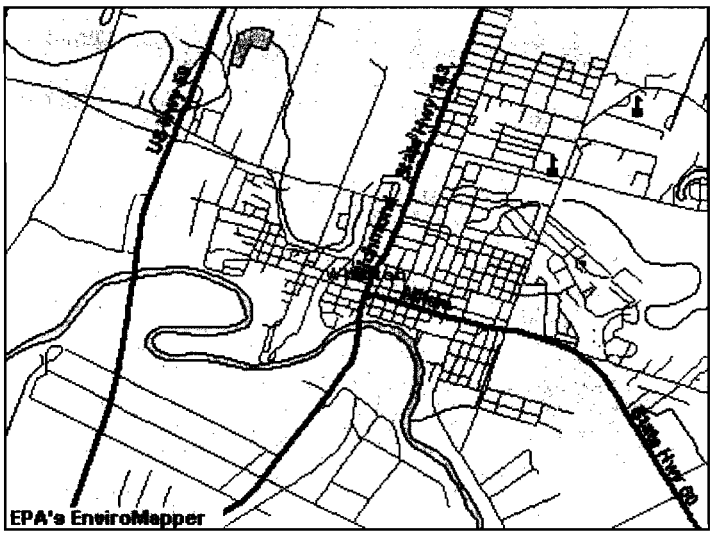

Figure 1. 2 City of Wharton, Texas

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Anthony Street
Tonkawa Tribe of Indians of Okalahoma
1000 Allan Drive
Tonkawa, OK 74653

Dear Mr. Street:

On behalf of the Lower Colorado River Authority and the City of Wharton, The U.S. Army Corps of Engineers, Galveston District, is preparing an environmental assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with flood damage reduction, ecosystem restoration, and recreation on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas. A map of the study area is enclosed. In accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800, the Galveston District is initiating consultation with Federally-recognized tribes who have historical or cultural ties to this region or have expressed an interest in being included in project correspondence.

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Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

Copy of Letter with Enclosure Sent to:

Ms. Debbie Thomas
Historic Preservation Officer
Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

Ms. Donna Stern-McFadden
Tribal Historic Preservation Officer
Mescalero Apache Tribe
P.O. Box 227
Mescalero, NM 88340

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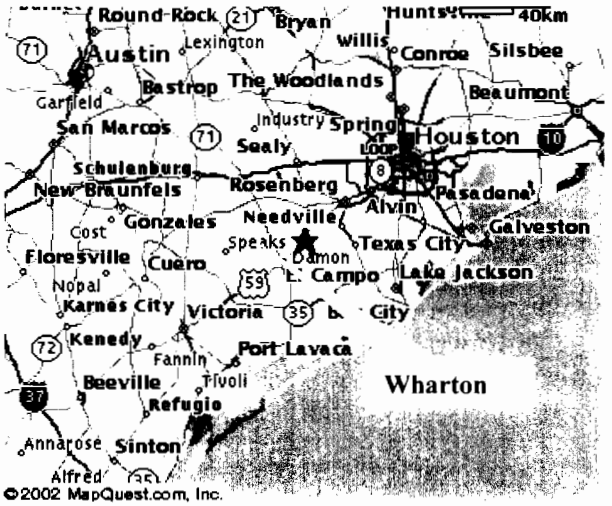

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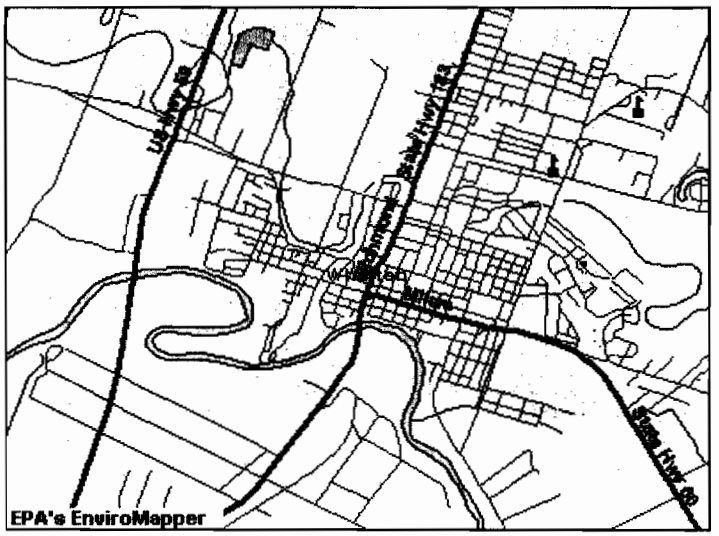

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GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

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ATTENTION OF:

June 20, 2006

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Alabama-Coushatta Tribe of Texas
571 State Park Road 56
Livingston, TX 77351

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Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

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Tribal Historic Preservation Officer
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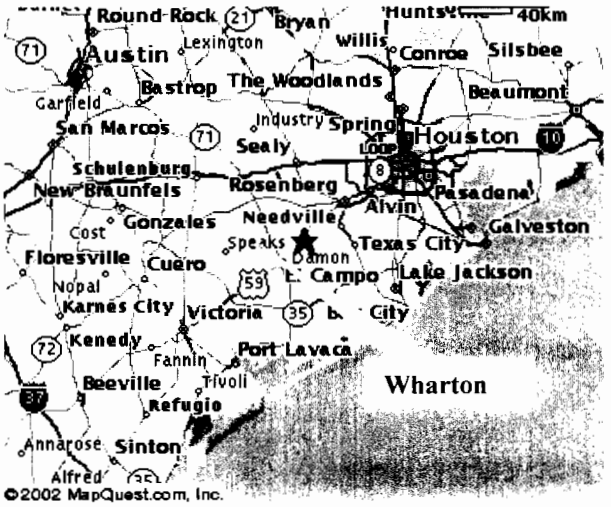

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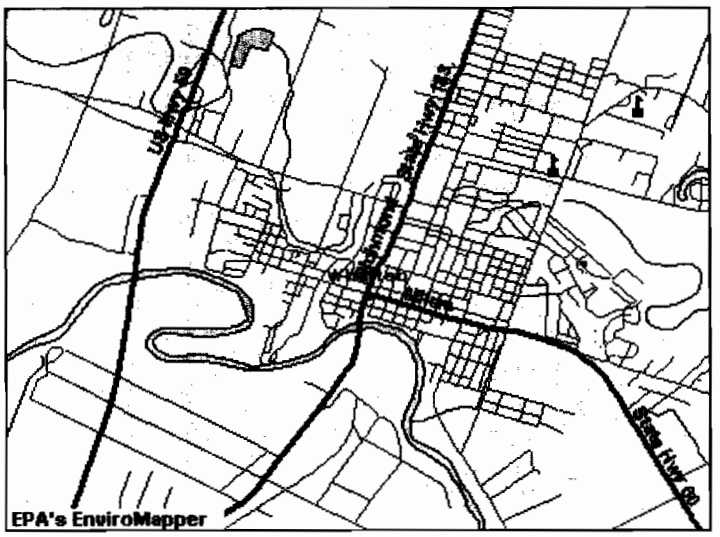

Figure 1. 2 City of Wharton, Texas

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Norm Sears
Office of Water Quality
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Sears:

The U.S. Army Corps of Engineers (USACE), Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

This project will be tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas, dated August 2005* (PEIS). Your agency had input into this document during its coordination. The PEIS stated that each subsequent project would require its own project specific National Environmental Policy Act process, which would be coordinated with your agency and undergo public review.

This letter follows a coordination meeting with your agency and the USACE, represented by Mr. Rob Newman, on 6 June 2006 to explain the details of the flood control project at Wharton, Texas and begin resolving any issues or comments your agency may have, including Section 404(b)(1) compliance. At this time, we would like to ask for any additional comments you may have for us to consider while preparing the draft document. We have enclosed a cd-rom that has project-related information for your review. The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy.

Thanks for your consideration in this matter. If you have any questions or comments, please contact Dr. Terry Roberts at 409/766-3035 or by e-mail at terrell.w.roberts@swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Mike Jansky
Office of Planning and Coordination
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Mail Stop 6EN-SP
Dallas, Texas 75202-2733

Dear Mr. Jansky:

The U.S. Army Corps of Engineers (USACE), Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

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Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

Copy of Letter with Enclosure sent to:

Mr. Norman Sears
Office of Water Quality
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Ms. Heather Young
Habitat Conservation Division
National Marine Fisheries Service
4700 Avenue U
Galveston, Texas 77551

Dear Ms. Young:

The U.S. Army Corps of Engineers (USACE), Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton, is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

This project will be tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas, dated August 2005* (PEIS). Your agency had input into this document during its coordination. The PEIS stated that each subsequent project would require its own project specific National Environmental Policy Act process, which would be coordinated with your agency and undergo public review.

At this time, we would like to reinitiate coordination with your agency and ask for preliminary comments for us to consider while preparing the draft document. The project would only impact segments of the Colorado River, Caney Creek, and Baughman Slough in the vicinity of Wharton, Texas and would not affect coastal resources. However, during preparation of the PEIS, USACE stated that we would coordinate all future projects tiered from the PEIS with your agency. The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy unless you notify us otherwise. Please let us know whether or not you would like to continue to be involved in this project. All future projects tiered from the PEIS will continue to be coordinated with your agency if you decide to participate in the WIFS.

Thanks for your consideration in this matter. If you have any questions or comments, please contact Dr. Terry Roberts at 409/766-3035 or by e-mail at terrell.w.roberts@swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Peter Schaefer
Water Quality Division
Texas Commission on Environmental Quality, MC 150
12100 Park Circle 35, Building F
Austin, Texas 78753

Dear Mr. Schaefer:

The U.S. Army Corps of Engineers (USACE), Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

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At this time, we would like to reinitiate coordination with your agency and ask for preliminary comments for us to consider while preparing the draft document. A meeting has been scheduled with your agency for Mr. Rob Newman to present the proposed project and begin resolving any issues or comments, including Section 404(b)(1) compliance that you may have prior to public review of the document. We have enclosed a cd-rom that has project-related information for you to review. The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy.

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Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

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GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Jarrett Woodrow
Texas Parks and Wildlife Department
1502 FM 517 East
Dickinson, TX 77539

Dear Mr. Woodrow:

The U.S. Army Corps of Engineers, Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

This project will be tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas, dated August 2005* (PEIS). Your agency had input into this document during its coordination. The PEIS stated that each subsequent project would require its own project specific National Environmental Policy Act process, which would be coordinated with your agency and undergo public review.

The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy. We will continue coordination with your agency during development of this document and work to resolve any issues or comments your agency has prior to public review of the document. To help explain this project, we have enclosed a cd-rom that has preliminary project-related information for your staff to review.

Thanks for your consideration in this matter. If you have any questions or comments, please contact Dr. Terry Roberts at 409/766-3035 or by e-mail at terrell.w.roberts@swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Mr. Rollin MacRae
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Dear Mr. MacRae:

The U.S. Army Corps of Engineers, Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

This project will be tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas, dated August 2005* (PEIS). Your agency had input into this document during its coordination. The PEIS stated that each subsequent project would require its own project specific National Environmental Policy Act process, which would be coordinated with your agency and undergo public review.

The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy. We will continue coordination with your agency during development of this document and work to resolve any issues or comments your agency has prior to public review of the document. To help explain this project, we have enclosed a cd-rom that has preliminary project-related information for your staff to review.

Thanks for your consideration in this matter. If you have any questions or comments, please contact Dr. Terry Roberts at 409/766-3035 or by e-mail at terrell.w.roberts@swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

Copy of Letter with Enclosure sent to:

Mr. Jarrett Woodrow
Texas Parks and Wildlife Department
1502 FM 517 East
Dickinson, TX 77539

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

REPLY TO
ATTENTION OF:

June 20, 2006

Planning and Environmental Branch

Field Supervisor
Ecological Services
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Sir:

The U.S. Army Corps of Engineers, Galveston District, in cooperation with the Lower Colorado River Authority and the City of Wharton is preparing a draft Integrated Project Report and Environmental Assessment for the Wharton Interim Feasibility Study (WIFS). The WIFS is a multipurpose study to address the problems and opportunities associated with the flood damage reduction, ecosystem restoration, and recreation study on the Colorado River, Caney Creek, and Baughman Slough in Wharton, Texas.

This project will be tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas, dated August 2005* (PEIS). Your agency had input into this document during its coordination. The PEIS stated that each subsequent project would require its own project specific National Environmental Policy Act process, which would be coordinated with your agency and undergo public review.

The draft Integrated Project Report and Environmental Assessment is scheduled to be released for public and agency review in late July 2006, at which time you will receive a copy. We will continue coordination with your agency, including Section 7 coordination under the Endangered Species Act, during development of this document and work to resolve any issues or comments your agency has prior to public review of the document. To help explain this project, we have enclosed a cd-rom that has preliminary project-related information for your staff to review.

Thanks for your consideration in this matter. If you have any questions or comments, please contact Dr. Terry Roberts at 409/766-3035 or by e-mail at terrell.w.roberts@swg02.usace.army.mil.

Sincerely,

Richard Medina
Chief, Planning and Environmental Branch

Enclosure

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue S
St. Petersburg, Florida 33701-5511

June 28, 2006

Mr. Rick Medina
Chief, Planning and Environmental, Galveston District
Department of the Army, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Dear Mr. Medina:

The NOAA's National Marine Fisheries Service (NMFS) received your coordination letter dated June 20, 2006, concerning the U.S. Army Corps of Engineers' preparation of a draft Integrated Project Report and Environmental Assessment (EA) for the Wharton Interim Feasibility Study (WIFS). The WIFS EA is tiered from the *Final Programmatic Environmental Impact Statement for Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas*, dated August 2005.

According to your June 20th letter, the WIFS only pertains to projects that would impact segments of the Colorado River, Caney Creek, and Baughman Slough in the vicinity of Wharton, Texas and would not affect coastal resources. Further email coordination with Mr. Terry Roberts of your staff also confirms that projects being considered under the WIFS would not retain any flood flows or impact the amount of freshwater that is passed downstream. As such, the resources affected are not ones for which NMFS is responsible and, therefore, we have no comments regarding the WIFS.

If we may be of further assistance, please contact Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602

July 17, 2006

Department of The Army
Galveston District, Corps of Engineers
P.O. Box 1229
Galveston, Texas 77553-1229

Attention: Carolyn Murphy, Chief, Environmental Section

Subject: LNU-Farmland Protection-
City of Wharton, Proposed Flood Control Levee
Wharton County, Texas

We have reviewed the information provided concerning the proposed City of Wharton, Flood Control Levee in Wharton County, Texas as outlined in your letter of July 7, 2006. This is part of NEPA evaluation for the U.S. Army Corps of Engineers We have evaluated the proposed area as required by the Farmland Protection Policy Act (FPPA).

The proposed project does contain soils classified as Important Farmland and is subject to the FPPA. We have developed a composite rating for the soils of the project area outlined on the maps you sent. This includes the addition of detention basins which were not included in your original report of January 9, 2006. We recognize that much of this area is already converted to urban land. The total points in Part VII of the AD-1006 are 118. The FPPA law states that sites with a score less than 160 will need no further consideration. We have completed the AD-1006 you sent. We urge you to use accepted erosion control methods during construction.

I have attached the completed AD-1006 (Farmland Conversion Impact Rating) form for this project indicating the approval status. Thanks for the resource materials you submitted to evaluate this project. If you have any questions please call James Greenwade at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James M. Greenwade
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request July 7, 2006
Name Of Project Wharton Levee and Detention Basins	Federal Agency Involved U.S. Army Corps of Engineers
Proposed Land Use Flood Control	County And State Wharton County, Texas
PART II *(To be completed by NRCS)*	Date Request Received By NRCS July 10, 2006

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply -- do not complete additional parts of this form).* Yes ☒ No ☐

Acres Irrigated 91,209 | Average Farm Size 504

Major Crop(s)	Farmable Land In Govt. Jurisdiction	Amount Of Farmland As Defined in FPPA
Grain Sorghum	Acres: 676,422 % 99	Acres: 654,321 % 90
Name Of Land Evaluation System Used: LESA	Name Of Local Site Assessment System: NONE	Date Land Evaluation Returned By NRCS: 7-17-06

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	175.4			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	~~0.0~~ 175.4	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	166.6			
B. Total Acres Statewide And Local Important Farmland	0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	0.0001			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	10			
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	0 84	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use	(15)	4			
2. Perimeter In Nonurban Use	(10)	6			
3. Percent Of Site Being Farmed	(20)	6			
4. Protection Provided By State And Local Government	(20)	0			
5. Distance From Urban Builtup Area	(15)	4			
6. Distance To Urban Support Services	(15)	5			
7. Size Of Present Farm Unit Compared To Average	(10)	0			
8. Creation Of Nonfarmable Farmland	(10)	0			
9. Availability Of Farm Support Services	(5)	5			
10. On-Farm Investments	(20)	4			
11. Effects Of Conversion On Farm Support Services	(10)	0			
12. Compatibility With Existing Agricultural Use	(10)	0			
TOTAL SITE ASSESSMENT POINTS	160	~~0~~ 34	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	~~0~~ 84	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	~~0~~ 34	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	~~0~~ 118	0	0	0

Site Selected: | Date Of Selection | Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

(See Instructions on reverse side) **Form AD-1006 (10-83)**

This form was electronically produced by National Production Services Staff

LCRA
ENERGY • WATER • COMMUNITY SERVICES

August 10, 2006

Colonel Christopher W. Martin
District Commander
U.S. Corps of Engineers, Fort Worth District
819 Taylor Street
Fort Worth, Texas 76102

Dear Colonel Martin:

I am writing to express the Lower Colorado River Authority's (LCRA) support of the U.S. Army Corps of Engineer's (Corps) lower Colorado River basin, Phase 1, Texas draft report and its recommended plans for reducing flood damages in the City of Wharton and along Onion Creek.

LCRA has been the local sponsor of the lower Colorado River basin feasibility studies since its inception in May 2000. We have added additional local partners to the study including the City of Wharton, the City of Austin, Travis County, and the City of Sunset Valley. We have also supported participation in the studies by the Texas Water Development Board.

The recommended plans are consistent with LCRA's legislative mandate to reduce flood damages within the river and tributaries of the lower Colorado River basin. We fully support the recommendations and when authorized, intend to closely coordinate with our partners a smooth transition to the Preconstruction Engineering and Design (PED) phase of the project.

We recognize the importance of communicating to our representatives and senators about these studies and with the help of our partners will continue our efforts to garner congressional support for a FY 2007 PED and Construction Authorization.

We sincerely appreciate the staff at the Fort Worth District and their dedicated efforts to complete these studies. We have developed a productive relationship with the Corps and look forward to continuing this relationship as these projects move forward.

If you have any questions please give me a call at 1-800-776-5272, ext. 3586.

Very truly yours,

Joseph J. Beal, P.E.
General Manager

City of Wharton

120 E. Caney Street • Wharton, Texas 77488
Phone (979) 532-2491 • Fax (979) 532-0181

August 15, 2006

Colonel Christopher W. Martin
District Engineer
U.S. Army Corps of Engineers, Fort Worth District
P. O. Box 17300
Fort Worth, Texas 76102-0300

RE: City of Wharton Flood Damage Reduction Project

Dear Colonel Martin:

Please let this letter serve as the City of Wharton's letter of assurance concerning the Recommended Plan contained in the U.S. Army Corps of Engineers' (Corps) Feasibility Report for Wharton, Texas. The City of Wharton fully supports the Recommended Plan, and appreciates the efforts of the Corps and the Assistant Secretary of the Army (Civil Works) as the report proceeds through the Washington level approval process. The City also appreciates the Corps' adoption and adherence to Section 104 of the 1986 Water Resources Development Act that extends credit for the construction of the Santa Fe Drainage Outfall Channel Project, which is an integral component of the Recommended Plan.

The Recommended Plan for Wharton consists of a system of levees and associated drainage facilities, along with a channel modification. It has an estimated total project cost of approximately $27.6 million, of which an estimated $6.8 million would be the non-federal share after application of the aforementioned Santa Fe credit. The City understands the cost sharing requirements and has the financial capability to provide its share of the total project cost.

I appreciate the continued pursuit of the US Army Corps of Engineers to implement the Wharton Project. The City also looks forward to the agreement that is scheduled to be executed by the City and the Corps during the fall of 2006 for the project's Pre-Construction Engineering and Design (PED). This flood control project is the cornerstone to the City's efforts to protect itself from future flooding on the Colorado River and Baughman Slough.

If you have any questions or need additional information, please contact me at City Hall (979) 532-2491.

Sincerely

CITY OF WHARTON

By: Bryce D. Kocian

Bryce D. Kocian
Mayor

BDK:jj

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

August 16, 2006

Planning, Environmental and
Regulatory Division

Subject: Lower Colorado River Basin Interim Feasibility Study, Cultural Resources Investigations, Wharton, Wharton County, Texas.

Mr. F. Lawerence Oaks
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado St.
Austin, Texas 78701

Dear Mr. Oaks,

In a letter dated July 13, 2006, the U.S. Army Corps of Engineers, Fort Worth District, on behalf of the Lower Colorado River Authority, corresponded with your office concerning cultural resources investigations for a flood damage reduction and ecosystem restoration project along Onion Creek in Austin, Texas. In that letter we also indicated that a second portion (Williamson Creek) of the Onion Creek project, would be investigated via deep backhoe trenching at a later phase in the planning after gaining access to occupied residential lots. At this time, we wish to advise you of another component of the Lower Colorado River Basin study, which is located in Wharton, Texas. Due to an oversight on the part of the Corps, this portion of the project was omitted from the previous correspondence. We apologize for not sending this information earlier.

The Wharton project addresses the flooding problems within the city of Wharton, Texas, through structural features such as earthen levees and accompanying sumps, floodwalls, channel enlargement, storm drainage structures, and an open cut ditch (Map 1). The main features of this plan are an earthen levee system along the Colorado River (Map 2) and one along Baughman Slough (Map 3), channel modification along Baughman Slough, the excavation of the Santa Fe Ditch and a series of sumps associated with both levee systems to promote drainage. At this time, the levee alignment and sump locations have been tentatively determined, but are subject to change in the Preconstruction, Engineering and Design Phase (PED) when the Recommended Plan will be finalized.

In accordance with 36 CFR Part 800, the Corps contracted the services of Prewitt and Associates, Inc., to conduct a reconnaissance level historic building survey of the Wharton project area. A copy of the survey report will be sent to your office for review and comment once it has been prepared. Reconnaissance level archaeological investigations have also been carried out throughout the Wharton project area. The entire proposed levee alignment along the Colorado River has been subjected to a pedestrian surface survey by a Corps Archaeologist. Five judiciously placed shovel tests were negative for cultural resources. Further investigation will be carried out once the alignments have been finalized especially in the less disturbed areas with a high probability for intact buried deposits. Likewise, the Baughman Slough levee system was investigated by a Corps Archaeologist and three shovel tests came up negative for cultural materials. Once the alignment has been finalized, portions of the footprint will also require deeper investigation. The sump areas were not surveyed for cultural resources because their locations are very tentative. The sump locations are based upon the levee alignment and will likely change more radically than the levee footprints as the levee alignments are adjusted during PED.

Because the final levee alignment and sump locations cannot be identified until further detailed design work is accomplished in the PED Phase of this project, the Corps recommends that intensive archaeological survey of the Wharton area be delayed until the designs are better defined. To this end, the Corps proposes a Programmatic Agreement (PA) be negotiated between our offices to ensure the appropriate investigations, evaluations and, if necessary, mitigation is carried out prior to construction so that the Corps' obligations under Section 106 are met. We have enclosed a draft PA for your review. The proposed agreement covers both Williamson Creek and Wharton as both areas require further investigation during the PED phase of the study.

We appreciate your prompt attention to this matter and hope for a successful agreement between our offices. An interim feasibility report and integrated Environmental Assessment for the Lower Colorado River Basin Study covering all project areas will be sent for your review in the near future. If you have any questions pertaining to the enclosed draft agreement, please do not hesitate to contact Ms. Nancy Parrish at (817) 886-1725 or via email at nancy.a.parrish@swf02.usace.army.mil.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental
and Regulatory Division

Enclosures

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

REPLY TO
ATTENTION OF:

August 18, 2006

Planning, Environmental, and Regulatory Division

JOINT PUBLIC NOTICE
NOTICE OF AVAILABILITY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
Draft Lower Colorado River Basin Phase I, Texas
Volume I – Project Summary
Volume II – Onion Creek Interim Feasibility Report
and Integrated Environmental Assessment
and
Volume III – Wharton Interim Feasibility Report
and Integrated Environmental Assessment

WATER QUALITY CERTIFICATION
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), Fort Worth District has prepared a draft Lower Colorado River Basin Phase I, Texas Interim Feasibility and Integrated Environmental Assessment Report, which is proposing to implement a project addressing proposed activities to provide flood damage reduction, ecosystem restoration, and recreation in the Onion and Williamson Creek watersheds in and around Austin, Texas (Volume II), and a project addressing proposed activities to address flood damage reduction in the city of Wharton, Texas (Volume III) within the Lower Colorado River Basin, Colorado River, Texas. The Corps is also requesting water quality certification from the Texas Commission on Environmental Quality (TCEQ) under Section 401 of the Clean Water Act (CWA) for both of these projects.

Authority. This Notice of Availability is being issued to interested parties in accordance with the National Environmental Policy Act (NEPA) of 1969, Public Law 91-190, as amended, and the implementing regulations in Engineering Regulation 200-2-2.

Purpose and Background. The Onion Creek and Wharton components of the overall basin project are a result of a Lower Colorado River Basinwide Study which recommended detailed studies in the two study areas in order to address water related resource problems and opportunities including flood damage reduction, ecosystem restoration and recreation in Onion and Williamson Creeks in Austin, Texas and within the city of Wharton, Texas. A *Final Programmatic Environmental Impact Statement, Flood Damage Reduction and Ecosystem Restoration, Lower Colorado River Basin, Colorado River, Texas August 2005* (PEIS) was conducted during the basinwide study effort. Both Volume II and III are interim feasibility reports and integrated environmental assessments (EA) tiered to the PEIS. The study area for the Onion Creek component of the project is the Onion Creek and Williamson Creek watersheds, which were further refined to the Timber Creek, Onion Creek Forest/Yarrabee Bend, Bluff Springs Road/Perkins Valley, Onion Creek Subdivision, and Bear/Onion Confluence areas of interest. These areas of interest incur extensive flooding, have latent demand for recreation and are in need of ecosystem restoration measures to restore degraded natural resources. The study area for the Wharton component of the project is primarily the city limits of Wharton, Texas. However, some project features reduce flooding and are located in Wharton County. The city of Wharton incurs extensive flooding throughout virtually the entire city.

Proposed Actions and Alternatives. In addition to the No Action alternative, structural, non-structural and combined multi-purpose project alternatives are presented in the Timber Creek, Onion Creek Forest/Yarrabee Bend, Bluff Springs Road/Perkins Valley, Onion Creek Subdivision, and Williamson Creek areas of interest and the Wharton study area. The action alternatives were developed in accordance with the Principles and Guidelines (P&G), which followed the principles, standards, and procedures outlined in the Water Resources Council's

"Economic and Environmental Principles and Guidelines for Water Related Land Resources Implementation Studies".

Under the No Action alternative, which is equivalent to the description of the future without-project conditions, no measures would be taken to address the objectives and goals developed for flood protection, ecosystem restoration, or recreation.

The Recommended Plan for the Onion Creek component of the project did not include proposed alternatives to be implemented in the Bluff Springs Road/Perkins Valley, Onion Creek Subdivision and Bear/Onion Confluence areas of interest because of the lack of Federal interest due to inferior benefit-to-cost ratios for flood damage reduction projects. Under the Recommended Plan, the Timber Creek and Onion Creek Forest/Yarrabee Bend study areas would consist of the acquisition and removal of 81 and 410 residential structures, respectively, in the 4% annual chance of exceedance (ACE) floodplain; permanent closure of several streets or parts thereof; restoration of 16 and 190 acres of land to riparian woodlands; and installation of recreation features such as picnic shelters, hiking trails, restrooms, and supporting infrastructure. The Recommended Plan for the Williamson Creek area of interest would consist of channel excavation on one side or the other of the creek to create a benched effect for approximately 8,500 linear feet of creek in four separate reaches; and restoration of 114 acres of land to riparian woodlands.

The Recommended Plan in Timber Creek and Onion Creek Forest/Yarrabee Bend would consist of buyouts and would not affect Waters of the United States or require mitigation. The Recommended Plan in the Williamson Creek area of interest would impact approximately 15 acres and 6.02 AAHU of riparian woodlands, and impact 8,500 feet of Waters of the United States. Approximately 23 acres of mitigation is proposed, which would provide 7.22 AAHU of habitat improve 4,000 feet of Waters of the United States. The Recommended Plan would be fully mitigated by the proposed mitigation plan.

The Recommended Plan for the Wharton area consists of structural features in the form of earthen levees and accompanying sumps, floodwalls, a channel enlargement, storm drain type drainage structures and an open cut ditch. Most of the project features would be implemented into three different drainage areas: Colorado River, Baughman Slough and Caney Creek. The Recommended Plan associated with the Colorado River would include the construction of 20,310 feet of levees, 19,010 feet of floodwalls and seven sump areas. The seven sumps would occupy 141 acres. Recommended features in Baughman Slough would include 6,610 feet of levees, 380 feet of floodwalls, 4,780 feet of channel modification and two sump areas. The two sumps would occupy approximately 44 acres. Recommended features in Caney Creek would include placement of reinforced concrete pipes and approximately 10,700 feet of open cut ditch.

Implementation of the Recommended Plan in Wharton would result in impacts including approximately 65 acres of riparian/hardwood forests (148 average annual habitat units (AAHU) using 4 species), 129 acres of grassland (193 AAHU using 3 species) and 10 acres of wetlands (12 AAHU using 3 species). The recommended mitigation plan calls for all habitat mitigation to be placed on project sump lands. Approximately 145 acres could be used to create replacement forest, shrub and native prairie habitat. Approximately 40 acres could be used to create replacement wetland habitat. The recommended mitigation plan would generate approximately 256 AAHU of forest habitat and 66 AAHU of wetland habitat. This is well over the required mitigation ratio of 1:1 to fully compensate for project impacts. The mitigation may be revised in the detailed design phase and would be coordinated with resource agencies.

Public Meeting. Public Meetings have been scheduled in the city of Wharton and in the Onion Creek area. The purpose of these meetings will be to provide any necessary clarification regarding the draft report. Meetings for the Williamson Creek area of interest are scheduled at Woodlawn Baptist Church, 4600 Manchaca Road, Austin, Texas 78745, for the following dates: August 31st, 2006 – Bayton Loop area of interest; September 5th, 2006 – Broken Bow area of interest; and, September 7th, 2006 – Radam and Heartwood areas of interest. The meeting for the Onion Creek Forest/Yarrabee Bend area of interest is scheduled for September 13th, 2006 at 7:00 p.m. at Mendez Middle School, 5106 Village Square, Austin, Texas 78744. The meeting for the Timber Creek area of interest is scheduled for September 14th, 2006 at 7:00 p.m. at Dell Valley Junior High, 5500 Ross Road, Dell Valley, Texas, 78617. The meeting for the Wharton Project is scheduled for September 14th, 7:00 p.m. at the Wharton Civic Center, Wharton Texas, 77488.

Copies of the draft Lower Colorado River Basin Phase I, Texas Interim Feasibility Report and Integrated Environmental Assessment Volumes I, II, and III are available for review at the U.S. Army Corps of Engineers, P.O.

Box 17300, 819 Taylor Street, Fort Worth, Texas 76102-0300. Copies have also been distributed to the Pleasant Hill Library at 211 East William Cannon Drive Austin, Texas 78745 and the Wharton County Library at 1920 North Fulton Wharton, Texas 77488. The documents are also available for review on the Fort Worth District Internet Home Page at http://www.swf.usace.army.mil/ and the project website at http://www.fdep.org.

Water Quality Certification. This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with the processing of this Department of the Army project, the TCEQ is reviewing this project under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. **Any comments concerning this request for water quality certification may be submitted to TCEQ, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087.** The public comment period for the water quality certification request extends 30 days from the publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin office. The complete project information may be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

The draft reports will be available for public review for 30 days from the date of this notice. Comments or other inquires should be addressed to: Mr. Elston Eckhardt, Project Manager, at U.S. Army Corps of Engineers, Attention: CESWF-PER-P, P.O. Box 17300, Fort Worth, Texas 76102-0300, telephone (817) 886-1861.

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

TEXAS HISTORICAL COMMISSION
The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

August 18, 2006

William Fickel, Jr.
Chief, Planning, Environmental and Regulatory Division
CESWF-EV-EC
Dept. of the Army
Ft. Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Nancy Parrish

Re: Review under Section 106 of the National Historic Preservation Act
Draft Programmatic Agreement for the Lower Colorado River Basin (COE-FWD)

Dear Mr. Fickel:

Thank you for allowing us to review the draft programmatic agreement (PA) referenced above. This letter serves as comment on the document from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Bill Martin, has completed its review. We believe that this PA requires substantial reworking. Please review our enclosed specific comments and submit a revised version electronically, so that we may make any additional changes more rapidly.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please contact Bill Martin at 512/463-5867.**

Sincerely,

William A. Martin

for
F. Lawerence Oaks, State Historic Preservation Officer

FLO/wam

Enclosure

RECEIVED 28 Aug 2006

P.O. BOX 12276 · AUSTIN, TX 78711-2276 · 512/463-6100 · FAX 512/475-4872 · TDD 1-800/735-2989
www.thc.state.tx.us

Comments on: *Programmatic Agreement Between the US Army Corps of Engineers and State Historic Preservation Officer Regarding the Lower Colorado River Basin Interim Feasibility Report and Integrated Environmental Assessment.* (August 14, 2006 Draft)

General Comments:

It seems strange to link two separate projects in different cities (Austin and Wharton) in one PA, especially when the project in Austin involves buyouts, recreational facilities, and some channelization, while the one in Wharton involves massive construction of levees, sumps, and ditches. If the Corps and LCRA consider this one project, it can be covered under one PA, but the PA needs to spell out more clearly what is going to be done in each separate area. Also, for the sake of clarity, please add the phrase, "in Austin" when discussing Williamson Creek, Onion Creek, etc. and, "in Wharton" when discussing levees along the Colorado and Baumann Slough.

This document does not involve Indian Tribes or other interested consulting parties in the consultation process for any aspect of this agreement other than the development of a Data Recovery Plan in Stipulation 3b. This is contrary to 36 CFR 800. Indian Tribes and local interested parties should be consulted immediately and all parties contacted should be mentioned in the WHEREAS clauses. They should also be referenced again under each individual stipulation to describe their rights and responsibilities at each stage of the project.

Some WHEREAS clauses are long and confusing and need to be simplified. Others may not be accurate. For example, is the Wharton project covered in Volumes 1 and 2 of the report cited in the second WHEREAS clause? Unless we only received half of the report, it only covered the Onion Creek project.

One WHEREAS clause states that the Corps has determined the APE, but it doesn't state any boundaries. A subsequent clause says that further studies cannot be conducted until locations are determined by engineers. So, has the APE really been determined? We believe that the determination of the APE should be made in consultation with the SHPO as per 36 CFR 800.4 (a) (1).

Stipulations: The hierarchical organization of the stipulations is not logical. Stipulation A is "Archeology," so B should be "Historic Structures," but it is listed as "Document Review and Comment." Then throughout the Archeology discussion, a Historic Structures Survey is referred to. Historic Structures and any work already performed should be dealt with under a Historic Structures stipulation.

The last three sentences of Stipulation 1b are identical to Stipulation 1c.

Stipulations 4 and 5: Human Remains. This document refers to following "NAGPRA, if applicable." Since none of the APE is on federal property, we already know NAGPRA does not apply. Please revise these statements.

Stipulation 5: Monitoring. Why does this stipulation state that monitors "*may* be present" during construction. If monitoring is going to be a stipulation, it needs to be mandatory. It should say, "*will* be present."

TEXAS HISTORICAL COMMISSION
The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
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F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

September 18, 2006

William Fickel, Jr.
Chief, Planning, Environmental and Regulatory Division
CESWF-EV-EC
Dept. of the Army
Ft. Worth District, Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Nancy Parrish

Re: Review under Section 106 of the National Historic Preservation Act
Draft Interim Feasibility Report and Integrated Environmental Assessment for the Lower Colorado River Basin Phase 1 (COE-FWD)

Dear Mr. Fickel:

Thank you for allowing us to review the draft document referenced above. This letter serves as comment on the document from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Bill Martin, has completed its review. This document contains the Programmatic Agreement (PA) we had commented on earlier to address advwerse effect on historic properties. We believe that this PA requires substantial reworking. Until a satisfactory PA is drafted and signed, we cannot concur that this project will not have an adverse effect on historic properties.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If we may be of further assistance, please contact Bill Martin at 512/463-5867.**

Sincerely,

William A. Martin

for
F. Lawerence Oaks, State Historic Preservation Officer

FLO/wam

RECEIVED 22 Sep 2006

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 18, 2006

Mr. Wayne Lea, Branch Chief
U.S. Army Corps of Engineers
Regulatory Branch CESWF-EV-R
P.O. Box 17300
Fort Worth, Texas 76102-0300

Attention: Mr. Elston Eckhardt

Re: USACE Draft Lower Colorado River Basin Phase I, Texas

Dear Mr. Lea:

As stated in the Joint Public Notice, dated August 18, 2006, the United States Army Corps of Engineers (Corps), has prepared a draft Lower Colorado River Basin Phase I, Texas Interim Feasibility and Integrated Environmental Assessment Report, which is proposing to implement a project addressing proposed activities to provide flood damage reduction, ecosystem restoration, and recreation in the Onion and Williamson Creek watersheds in and around Austin, Texas (Volume II), and a project addressing proposed activities to address flood damage reduction in the city of Wharton, Texas (Volume III) within the Lower Colorado River Basin, Colorado River, Texas. The Corps is requesting water quality certification from the Texas Commission on Environmental Quality (TCEQ) under Section 401 of the Clean Water Act for both of these projects.

In addition to the No Action alternative, structural, non-structural and combined multi-purpose project alternatives are presented in the Timber Creek, Onion Creek Forest/Yarrabee Bend, Bluff Springs Road/Perkins Valley, Onion Creek Subdivision, and Williamson Creek areas of interest and the Wharton study area.

The recommended plan for the Onion Creek component of the project did not include proposed alternatives to be implemented in the Bluff Springs Road/Perkins Valley, Onion Creek Subdivision and Bear/Onion Confluence areas of interest because of the lack of Federal interest due to inferior benefit-to-cost ratios for flood damage reduction projects. Under the Recommended Plan, the Timber Creek and Onion Creek Forest/Yarrabee Bend study areas would consist of the acquisition and removal of 81 and 410 residential structures, respectively, in the 4 percent annual chance of exceedance (ACE) floodplain; permanent closure of several streets or parts thereof; restoration of 16

and 190 acres of land to riparian woodlands; and, installation of recreation features such as picnic shelters, hiking trails, restrooms, and supporting infrastructure. The Recommended Plan for the Williamson Creek area of interest would consist of channel excavation on one side or the other of the creek to create a benched effect for approximately 8,500 linear feet of creek in four separate reaches and the restoration of 114 acres of land to riparian woodlands.

The Recommended Plan in Timber Creek and Onion Creek Forest/Yarrabee Bend would consist of buyouts and would not affect water of the United States or require mitigation. The recommended plan in the Williamson Creek area of interest would impact approximately 15 acres and 6.02 average annual habitat units (AAHU) of riparian woodlands, and impact 8,500 linear feet of waters of the United States. Approximately 23 acres of mitigation is proposed, which would provide 7.22 AAHU of habitat improvement along 4,000 linear feet of waters of the United States.

The recommended plan for the Wharton area consists of structural features in the form of earthen levees and accompanying sumps, floodwalls, a channel enlargement, storm drain type drainage structures, and an open cut ditch. Most of the project features would be implemented into three different drainage areas: Colorado River, Baughman Slough, and Caney Creek. The recommended plan associated with the Colorado River would include the construction of 20,310 feet of levees, 19,010 feet of floodwalls, and seven sump areas. The seven sumps would occupy 141 acres. Recommended features in Baughman Slough would include 6,610 feet of levees, 380 feet of floodwalls, 4,780 feet of channel modification, and two sump areas. The two sumps would occupy approximately 44 floodwalls, 4,780 feet of channel modification, and two sump areas. The two sumps would occupy approximately 44 acres. Recommended features in Caney Creek would include placement of reinforced concrete pipes and approximately 10,700feet of open cut ditch.

Implementation of the recommended plan in Wharton would result in impacts including approximately 65 acres of riparian/hardwood forests (148 AAHU using 4 species), 129 acres of grassland (193 AAHU using 3 species), and 10 acres of wetlands (12 AAHU using 3 species). The recommended mitigation plan calls for all habitat mitigation to be placed on project sump lands. Approximately 145 acres could be used to create replacement forest, shrub, and native prairie habitat. Approximately 40 acres could be used to create replacement wetland habitat. The recommended mitigation plan would generate approximately 256 AAHU of forest habitat and 66 AAHU of wetland habitat.

In addition to the information contained in the public notice, the following information is needed for review and certification of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

1. Project details are lacking regarding impacts to streams resulting from the benching of creek banks to reduce flooding in the Williamson Creek area. Please provide detailed plans of the proposed bench areas including cross-sections showing existing channel and proposed bench locations.

2. The proposed benching of Williamson Creek will likely decrease shading and increase water temperatures resulting in degraded water quality. Opportunities to retain some of the large trees currently existing in the proposed benched areas would appear to be an option by retaining root mounds and benching around these trees. This would allow for shading of pooled areas, decreasing impacts from the removal of existing riparian areas currently shading these waters. Please explain if retention and/or replacement of the riparian trees is proposed in the benched areas.

3. The mitigation section of the Volume I/II Main Report noted opportunities to improve water quality by constructing ponds in the mitigation area which would improve water quality from run-off of nearby parking lots. Please explain if ponds are part of the recommended plan and, if so, please include detailed pond construction plans.

4. Please provide details regarding success criteria and monitoring schedules for all mitigation areas. Also, please provide a detailed plan explaining what will be done to enhance the existing quality of the proposed mitigation area. Opportunities exist to increase diversity by selective removal of invasive exotic species, such as Chinese Tallow, Japanese Privet, and invasive native species, such as ashe juniper.

5. The draft report states that Baughman Slough in Wharton only flows during rain events. Has an assessment been performed on Baughman Slough to determine if there are any perennial pools that may sustain aquatic life? Texas Surface Water Quality Standards presume perennial pools to support aquatic life. If such pools are present, appropriate mitigation should be provided.

6. Wetland impacts from the footprint of the Wharton levees and flood walls have been calculated and the draft report states that placement of the levees for the Wharton project will not isolate wetlands in the sump areas due to hydrology from the sump areas to the Colorado River. Please explain if any secondary impacts are likely due to the removal of the hydrologic connection from the Colorado River into the floodplain during flood events.

The Texas Commission on Environmental Quality (TCEQ) looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Mr. Peter Schaefer of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Mr. Schaefer may also be contacted by e-mail at *pschaefe@tceq.state.tx.us*, or by telephone at (512) 239-4372.

Sincerely,

L Stepney

L'Oreal W. Stepney, P.E., Director
Water Quality Division
Texas Commission on Environmental Quality

LWS/PS/jp

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

September 27, 2006

Planning, Environmental, and Regulatory Division

Mr. Mark Fisher
Texas Commission on Environmental Quality
12100 Park Circle 35, Building F MC-150
Austin, Texas 78711

Dear Mr. Fisher:

This letter is in response to your letter dated September 18, 2006, regarding the draft Lower Colorado River Basin Phase I, Texas Interim Feasibility Report and Integrated Environmental Assessment, which includes both the Onion and Wharton component of the project. Thank you for your timely comment.

As requested in your letter, the comments received during the public comment period were forwarded to you on September 21, 2006. When additional agency comments are received, the Corps will forward those comments for your review also.

The following are responses to your specific requests:

1. You requested detailed plans of the proposed bench areas including cross sections showing existing channel and proposed bench locations. ***Response:*** *This is a feasibility level study and detailed designs have not been developed. However, project plates are located in Appendix G right after the MCACES Cost estimate. An 11"x17" overview plate showing project locations are shown on Sheet G-001, Additional sheets show the entire proposed benching with stationing. Cross sections were also sent via the Corps ftp site.*

2. Your comment was, "the proposed benching of Williamson Creek will likely decrease shading and increase water temperatures resulting in degraded water quality. Opportunities to retain some of the large currently exist in the proposed benched areas would appear to be an option by retaining root mounds and benching around these trees. This would allow for shading of pooled areas, decreasing impacts from the removal of existing riparian areas currently shading these waters. Please explain if retention and/or replacement of the riparian trees is proposed in the benched areas." ***Response:*** *The Corps recognizes the importance of the shading that riparian woodlands provide to the aquatic system. The proposed impacts were reduced by only benching one side of the creek or the other and hence leaving trees and riparian vegetation on one side to provide shading and organics for the aquatic community. However, the impact to large trees has been a point of contention with the land owners,*

so a tree survey was performed and a few large trees were avoided during the design of the recommended plan. In addition, during detailed design the Corps will further refine the plan to try and avoid additional trees on the fringe of the proposed benching by leaving root mounds on the side slopes. However, trees within the middle of the bench cannot be saved by root mounds as the mounds would need to be over 50' in diameter to protect the tree from eventually dying. This would negate the flood control benefit of reducing the water stage. Seedling/sapling tees will be replanted within the benched area on 40-foot centers to provide shading and organics to the aquatics overtime.

3. Your comment was, "the mitigation section of Volume I/II noted opportunities to improve water quality by constructing ponds in the mitigation area which would improve water quality from run-off of nearby parking lots. Please explain if ponds are part of the recommended plan and if so, please include detailed pond construction plans." ***Response:*** *The currently proposed Recommended Plan does not include water quality ponds. This was mentioned as an opportunity, but the Corps cannot participate in strictly water quality projects, and although a water quality pond would improve water quality, which would also improve aquatic habitat, the proposed pond was removed from consideration because a direct link was not established that would show that there would be an increase in habitat units as a result of implementation of a water quality pond in this instance.*

4. Your comment was, "please provide details regarding success criteria and monitoring schedules for all mitigation areas. Also, please provide a detailed plan explaining what will be done to enhance the existing quality of the proposed mitigation area. Opportunities exist to increase diversity by selective removal of invasive exotic species, such as Chinese Tallow, Japanese privet, and invasive native species, such as Ashe juniper." ***Response:*** *Detailed success criteria have not been developed since this is feasibility level design. Detailed design will be completed during the preconstruction, engineering and design phase of the study. The Corps will include the TCEQ during the review of the detailed design at the 35%, 65% and 95% review times so that you can provide comments and recommendations. With that being said, the Corps will include success criteria such as 75% survival of the total amount of trees planted during construction with replacement each year for five years after construction. Monitoring would therefore be conducted during the construction period every year to ensure survivability of the plantings. The restoration plan included planting of riparian vegetation with quantities shown on page 5-27 of Volume II of the report and species included on page B-74 through B-76 of Volume II. In addition, the mitigation includes removal of the invasive species mentioned above to help increase diversity. The local sponsor would be required to perform continual operations and maintenance to ensure that the invasive species are controlled.*

5. Your comment was, "the draft report states that Baughman Slough in Wharton only flows during rain events. Has an assessment been performed on Baughman Slough to determine if there are perennial pools that may sustain aquatic life? Texas

Surface Water Quality Standards presume perennial pools to support aquatic life. If such pools are present, appropriate mitigation should be provided." ***Response:*** *During site visits in the summer of 2006, the creek was completely dry with no perennial pools. Additional conversations with Mr. Phil Bush, the Public Works Director in Wharton, confirmed that Baughman Slough indeed goes completely dry during the dry summer months of almost every year. Therefore, we do not believe Baughman Slough requires mitigation for aquatic perennial pools.*

6. Comment was, Wetland impacts from the footprint of the Wharton levees and flood walls have been calculated and the draft report states that placement of the levees for the Wharton project will not isolate wetlands in the sump areas due to hydrology from the sump areas to the Colorado River. Please explain if any secondary impacts are likely due to the removal of the hydrologic connection from the Colorado River into the floodplain during flood events. ***Response:*** *There would be no secondary effects to interior wetlands from removing the hydrologic connection from the Colorado River. Most of the levees are located at or above the 4% Annual Chance of Exceedance floodplain. The relatively flat topography of the area and interior drainage results in the establishment of wetlands draining to the Colorado River and down Caney Creek. These wetlands would continue to function with or without the hydrologic connection of the Colorado River. In fact, the levees would more than likely result in the establishment of additional wetlands along the levee system rather than have an adverse effect of less hydrology from the Colorado River.*

If you have any additional questions or comments, please feel free to contact Mr. Rob Newman at (817) 886-1762) or by mail at CESWF-PER-EE, PO Box 17300, 819 Taylor St, Fort Worth, Texas 76102-0300. Thank you for your cooperation in this matter.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division

Copy provided to: Peter Schaefer, TCEQ

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To Elston Eckhardt | From Robin MacRae

TEXAS PARKS & WILDLIFE

October 3, 2006

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Mr. Elston Eckhardt, Project Manager
CESWF-PER-P
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300

Mr. Pat Connor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758-4455

Re: Draft Lower Colorado River Basin Phase I, Texas—Onion Creek and Wharton Interim Feasibility Reports and Integrated Environmental Assessments

Dear Mssrs. Eckhardt and Connor:

Staff of Texas Parks and Wildlife Department have participated in the studies leading up to the referenced reports and have reviewed the Draft Reports. The department supports the goals of flood damage reduction and ecological restoration that are the underpinnings of these efforts. The Department concurs in the good-faith efforts to provide flood damage reduction to threatened communities while attempting to provide protection for the high value ecological systems that are integral to riverine and riparian areas of the State. The low-lying habitats in and adjacent to streams have the highest ecological values and the greatest diversity. They additionally support more upland and distal components of the ecosystem that depend on such areas for part of their life cycle and/or water supply.

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Department staff concur with the recommendations for the preferred alternatives for the Wharton and Onion Creek segments of the project. The combination of buyouts, channel improvements and mitigation are appropriate to achieve the desired flood reduction and compensate for ecological resources affected.

The Williamson Creek portion of the study does not meet those objectives for a number of reasons. While a great deal of valuable data has been collected and analyzed, it is clear that the study undervalues the fish and wildlife resources in the corridor of Williamson Creek, and that the proposed flood damage reduction measures would be ineffective and excessively damaging in some reaches. This is especially true in the two upper segments of the study, Bayton Loop and Broken Bow.

The study suffers from a major flaw in its assumptions and prescribed parameters: that each reach of the creek must stand alone in its flood damage

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measures and its fiscal justification. This is simply unjustifiable. Each reach of the creek affects the next as it flows into it. If flood damage is reduced in any given reach it does so by either storing more water or evacuating water more rapidly. Otherwise there is no flood reduction in the given reach. If it evacuates water more rapidly, it increases the water volume, and perhaps velocity, in the next reach. Since the study claims that it is not possible for most flood events to increase the evacuation rate because of unalterable blockages such as bridges, flood damage reduction must come by greater storage, at least in the two upper segments. Yet the study shows that storage will be increased by amounts that will be filled within less than two minutes of flow. At the same time, major ecological impacts will occur that cannot be restored or compensated for by the proposed project plans or any other measures yet discussed.

These issues are minimal for the two lower reaches of Williamson Creek, and Department staff could support the planned project there. Department staff cannot support the proposed project in the two upper segments of Williamson Creek, Bayton Loop and Broken Bow because of excessive ecological impacts with minimal or unsubstantiated flood damage reduction benefits.

Questions can be directed toRollin MacRae (512-389-4639) or Tom Heger (512-389-4583) in Austin.

Sincerely,

Rollin MacRae
Wetlands Conservation Program

JRM:sh

CC: Rob Newman, US Army Corps of Engineers

DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 4, 2006

Planning, Environmental, and Regulatory Division

Catherin Yeargen
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Houston, Texas 77058

Dear Ms. Yeargen:

Please refer to your draft Fish and Wildlife Coordination Act Report (CAR) dated September 2006, sent to the U.S. Army Corps of Engineers (Corps), Galveston District regarding the Wharton Interim Feasibility Study from the U.S. Fish and Wildlife Service (Service). The Corps has only minor comments on the draft CAR. These comments are as follows:

1) Subsequent discussion with higher Corps review team members required the Corps District to reevaluate the proposed mitigation plan as a result of Corps Regulations. Since only approximately 148 AAHU of forest habitat and 12 AAHU of wetland habitat are negatively impacted, Corps regulations do not allow for recommended mitigation plans exceeding the impacts. Therefore, an incremental cost analysis was performed that showed that the impacts would be fully mitigated by performing riparian woodland mitigation within the Nanya Plastics, Wal-Mart, Baughman Slough Railroad, and Ford Street sumps. These sumps would produce approximately 151 AAHU of riparian habitat. In addition, wetland restoration in the Nanya Plastics sump would offset the wetlands impacts by producing 15.74 AAHU of wetland habitat. The Corps recognizes that the Service prefers preservation of existing riparian woodlands as documented on several pages within the draft CAR and summarized on page 23; however, as stated in the draft report on page 5-17, Corps regulations require implementation of the most cost effective and incrementally justified mitigation alternatives. Preservation of existing woodlands is not the most cost effective mitigation solution in this instance. As documented in the draft CAR, the Corps also recognizes that Riparian woodlands difficult to establish, and therefore we are implementing adaptive management strategies to ensure that these features succeed. In addition, the local sponsor will be required to perform operations and maintenance to ensure long term survivability of the mitigation features.

2) The habitat impacts shown in Table 4 on page 15 of the draft CAR was revised in the final report to include an additional column at the bottom entitled Disposal Areas and the size column states "65 ac. < 171 ac.". The forest, wetland, and residential habitat were indicated as impacting 0 acres and the grassland value showed

impacting 171 acres. The total grassland impact was increased to 299.6 ac. In addition, the discussion referenced on page 16 of the draft CAR was increased from 128.6 acres of grasslands to 299.6 acres in the final report.

3) On page 20 of the draft CAR, the service references that "if it is determined that the sump would alter the hydrology of the nearby wetlands, these impacts should also be mitigated". The detailed design will be implemented to ensure that these valuable wetlands would not be negatively impacted. In addition, the Service states that "in the event that it is later determined that the construction of the Wharton Flood Control Project will remove wetlands from jurisdiction, the USACE should fully compensate for the loss of these additional wetlands." The proposed project would not remove jurisdiction from any wetlands as currently proposed. If the plans change significantly during final design such that this determination would no longer be valid, then the project would have to undergo supplemental environmental documentation, which would be coordinated with the resource agencies at that time.

4) The final CAR should state the views of the State wildlife resource agency. Mr. Newman of my staff has forwarded an email from Texas Parks and Wildlife Department (TPDW), Austin Office, regarding the State's view on the proposed project. The Corps recognizes that additional TPWD staff has been involved with the project and welcomes additional views as appropriate within the timeframe allowed.

Due to the fact that the final Report must be reproduced and sent to the Corps' Headquarters Office on October 10, we are requesting an electronic copy of the final CAR by October 6, 2006, if at all possible. Please address any written correspondence or comments to Mr. Rob Newman, (817-886-1762), CESWF-PER-EE, PO Box 17300, 819 Taylor St, Fort Worth, Texas 76102-0300. For additional information on specific information for the Wharton component of the project you may also contact Dr. Terry Roberts at 409-766-3035. Thank you for your cooperation in this matter.

Sincerely,

William Fickel, Jr.
Chief, Planning, Environmental, and
Regulatory Division